THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17624 of 1998

Dated 26.07.2007

Sardar Nirenjan Singh and others.

… Petitioners

and

The Station House Officer,
Hanumakonda Police Station,
Warangal and another.

… Respondents

ORDER:

On an earlier occasion, the petitioners approached this Court and filed W.P.No.10264 of 1996 and this Court was pleased to dispose of the said writ petition on 05-06-1996 at the stage of admission observing as follows:-

> "The grievance of the petitioner is that the age old Madras tile roofing on the premises were demolished with the consent of the petitioner at the request of the Warangal Municipal Corporation. The premises so demolished were mulgies bearing Nos.6-1-19; 6-1-19/1; 6-1-19/A and 6-1-20 situated in Sy.No.1071 of Hanumakonda village within the premises of Warangal Municipal Corporation. The aforesaid demolition was effected not only of the petitioner's property but several other persons also and some of them approached this Court. In W.P.M.P.No.11146 of 1995 in W.P.No.4055 of 1995 this court by order, dated 21-06-1995 was pleased to direct the respondents to permit the petitioners to put up the temporary walls, asbestos sheets and electricity for protection from heat and rain. The petitioners seek same relief in this writ petition. The learned Standing Counsel for Municipalities submitted that if the petitioners make application relief would be granted by the Corporation. The aforesaid submission of the learned Standing Counsel is reasonable. In view of the orders passed by this Court in W.P.M.P.No.11146 of 1995 in W.P.No.4055 of 1995, the petitioners herein are to be treated similarly and granted similar reliefs by permitting them to put up temporary walls and asbestos sheets and electricity for protection from heat and rain. The petitioners however are directed to file application before the Commissioner, Municipal Corporation of Warangal within one week from today. On filing such an application, the respondent authorities shall grant permission to the petitioners within a period of fortnight from the date of submission of the application.
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> With the above observation, the writ petition is disposed of at the admission stage."

In pursuance of the observation made in W.P.No.10264 of 1996, dated

05-06-1996, the petitioners filed an application before the Commissioner, Municipal Corporation, Warangal, on 01-01-1998 seeking permission to raise structures. Accordingly, the Commissioner, Municipal Corporation, Warangal, granted permission on 03-02-1998 to raise structures without prejudice to the order passed by this Court in W.P.No.10264 of 1996.

The grievance of the petitioners in this writ petition is that despite the order passed by this Court in W.P.No.10264 of 1996, dated 05-06-1996 and the order passed by the Commissioner, Municipal Corporation, Warangal, dated 03-02-1998, granting permission to raise structures, the Assistant Town Planner, Warangal Municipal Corporation, Warangal, without any authority is trying to interfere with the said construction activity. Hence, the petitioners approached this Court and filed the present writ petition stating that the said interference is in violation of Articles 14, 19(1)(g), 21 and 300(A) of the Constitution of India.

Despite the fact that the notices are served on the respondents, the respondents have not chosen to file any counter.

So long as the construction made by the petitioners are in consonance with the provisions of law and in view of the orders passed by this Court, the respondents shall not interfere with the said construction. Further, for any reason, if the respondents are of the view that the said construction is contrary to the provisions of law, they may do so, after issuing notice to the petitioners.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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26-07-2007

Prv